

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

In Re: : Case No. 09-64737
:
Gordon Louis Yocom, : Chapter 7
: Judge John E. Hoffman, Jr.
Debtor. :
:
LARRY J. MCCLATCHY, TRUSTEE :
65 East State Street, Suite 1800 :
Columbus, Ohio 43215, :
:
Plaintiff, : Adv. Pro. No. _____
:
vs. :
:
CAROLYN J. YOCOM :
3255 Brentwood Court :
Powell, Ohio 43065, :
:
Defendant. :
:

TRUSTEE'S COMPLAINT TO AVOID TRANSFER OF
PROPERTY OF THE ESTATE

1. Plaintiff is the duly qualified and acting Trustee in this case which was commenced by a Voluntary Petition filed December 18, 2009 ("Petition Date") by Gordon Louis Yocom ("Debtor").

2. This Court has jurisdiction over this matter by reason of 28 U.S.C. § 1334, and 28 U.S.C. § 157(b) and the General Order of Reference for this District. This Complaint states a claim which is a core proceeding as provided in 28 U.S.C. § 157(b)(2)(H).

3. Defendant Carolyn J. Yocom ("Carolyn") is a natural person who may be served with process at her address at 3255 Brentwood Court, Powell, Ohio 43065. At times relevant to this action Carolyn was an insider of the Debtor on account of marriage.

4. On or about December 17, 2009, two days before the Petition Date, Debtor transferred the sum of \$6,500.00 to Carolyn (the "Transfer").

5. Debtor received no consideration from Carolyn in exchange for the Transfer.

6. Debtor did not receive a reasonably equivalent value in exchange for the Transfer, and Debtor was insolvent at the time of the Transfer or became insolvent as a result of the Transfer.

7. The Transfer is avoidable by Trustee under the provisions of 11 U.S.C. § 548(a)(1)(B).

8. Plaintiff may recover the value of the Property from Defendant as an initial transferee under the provisions of 11 U.S.C. § 550(a)(1).

WHEREFORE, Plaintiff Trustee requests that this Court:

- (a) avoid the Transfer to Carolyn;
- (b) render a money judgment in the amount of \$6,500.00 against Carolyn; and
- (c) grant such other and further relief to which the Plaintiff may be entitled.

/s/ Larry J. McClatchey

Larry J. McClatchey (0012191)

Christy A. Prince (0082220)

KEGLER BROWN HILL & RITTER

65 East State Street, Suite 1800

Columbus, Ohio 43215

614/462-5400

Facsimile: 614/464-2634

lmcclatchey@keglerbrown.com

Attorneys for Trustee